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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

In re P.S. et al, Persons Coming
Under the Juvenile Court Law.

B293540

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

(Los Angeles County
Super. Ct. No. 18CCP00890)

Plaintiff and Respondent,

v.

GEORGE S.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles County. Marguerite Downing, Judge. Affirmed.

Law Office of Linda Puertas, Linda B. Puertas under appointment by the Court of Appeal, for Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant County Counsel, and Stephen D. Watson, Deputy County Counsel, for Plaintiff and Respondent.

P.S. and L.S.'s mother (Mother) suffers from untreated mental illness that has led to several hostile, and occasionally violent, confrontations with third parties in the children's presence. The children's father, George S. (Father), was present during these confrontations, but failed to remove the children or attempt to deescalate the conflicts. The juvenile court asserted jurisdiction over P.S. and L.S. after finding, among other things, that Father failed to protect the children by allowing Mother to have unlimited access to them. The court removed the children from their parents' custody, and ordered Father participate in services and undergo an Evidence Code section 730 psychological evaluation. Father challenges the juvenile court's jurisdictional findings and dispositional orders on various grounds. We find no merit to his arguments and affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Background Facts

Mother and Father have two children together, P.S., born in 2012 and L.S., born in 2014. Mother first came to the attention of the Los Angeles County Department of Children and Family Services (DCFS) in 2013, when she was involuntarily hospitalized for 13 days after hallucinating while walking with P.S. Mother refused medication, but her psychosis eventually resolved itself. DCFS closed the referral after finding no evidence that P.S. suffered emotional abuse as a result of Mother's mental health issues.

Shortly after giving birth to L.S., Mother was involuntarily hospitalized for 14 days while suffering post-partum psychosis with paranoia. Mother was resistant to treatment and the hospital had to obtain a court order to medicate her. Mother and Father did not comply with the doctor's orders and DCFS's

recommendations. The juvenile court sustained a petition under Welfare and Institutions Code section 300,¹ and the children were removed from Mother's and Father's custody.

An Evidence Code section 730 evaluator determined that Mother met the criteria for unspecified mental disorder and unspecified personality disorder, and concluded her "history of exhibiting depressive and psychotic symptoms, along with her personality issues, contribute to poor decision-making and have contributed to instability in the children's life." The evaluator recommended Mother participate in weekly psychotherapy and receive a psychotropic evaluation. Mother, however, refused to participate in treatment or take medication. Nonetheless, DCFS found that P.S. and L.S. appeared well cared for and comfortable in Mother's and Father's presence. At DCFS's request, the court terminated jurisdiction in April 2017.

In January 2018, Mother and Father had a loud verbal argument while P.S., L.S., and their older half-sisters, Clarice B. and Angelina S., were in another room. Angelina was frightened and sent a text message to her father, who called the police. When the police arrived, Mother refused to allow them inside. A neighbor told the police he previously witnessed Mother yelling at passing cars. The police were eventually able to speak with Angelina on the phone, and she told them everything had calmed down. The police left and reported the incident to DCFS.

During DCFS's investigation, Clarice told a social worker that Mother has anger issues, gets into arguments with Father, and will throw objects at him. Clarice reported being scared of Mother during her outbursts. She also reported that Mother

¹ Unless noted, all undesignated statutory citations are to the Welfare and Institutions Code.

“goes off” on strangers in public, thinking they are “out to get her.” Clarice thought Mother’s issues have gotten worse over the past year, and she wanted Mother to get help. According to Clarice, Mother does not take medication or attend therapy to address her mental health issues.

Paternal grandmother said Mother is attentive to her children, but she has outbursts and is unpredictable. Paternal grandmother told Father he needs to take charge and control Mother, but Father would not listen and said he needs to support his wife.

A DCFS social worker visited Mother and Father’s home to conduct a safety assessment of the children. The social worker observed P.S. and L.S. in the backyard, and they appeared to be healthy, well-groomed, and free of any marks or bruises. Mother refused to allow the social worker to conduct a safety assessment, told the social worker to “go to hell,” and yelled loudly that she was being harassed. The social worker returned to the home the next day, but Mother and Father again refused to cooperate.

A criminal background check revealed that Mother had recently been arrested following an incident at a grocery store. According to the police report, Mother was at the store with Father and two children, who were later identified as P.S. and L.S. The police were called after Mother and Father yelled at employees, threw items, and refused to leave the store. Mother and Father were irate and declined to identify themselves or provide identification to the responding officer. When Mother and Father attempted to drive away, the officer forcefully removed them from their vehicle. Mother was arrested on an outstanding warrant.

In February 2018, DCFS obtained a warrant to temporarily remove P.S., L.S., and their half-sister from Mother and Father's home. After DCFS took custody of the half-sister, Mother called the police and reported her child had been kidnapped by DCFS. The police located Mother, Father, P.S., and L.S. in a van parked on the street. When police approached the van, Mother refused to comply with the officers' orders and made bizarre statements. The officers tried to reason with Father, but he refused to tell Mother to cooperate. The officers feared for the children's safety and called for reinforcements. In response, 10 police vehicles and 15 officers arrived at the scene. A police negotiator eventually convinced Mother and Father to allow the police to remove the children from the van.

Petition and Monitored Visits

On February 9, 2018, DCFS filed a petition asserting the juvenile court has jurisdiction over P.S. and L.S. under section 300, subdivision (b)(1). The petition alleged Mother suffers from mental and emotional problems, including severe paranoia and auditory hallucinations, that render her unable to provide regular care and supervision of P.S. and L.S. It further alleged that Father knew of Mother's mental and emotional problems, yet failed to protect the children by allowing Mother to have unlimited access to them.

That same day, Mother and Father had a monitored visit with P.S. and L.S. at a DCFS office. During the visit, Mother demanded the monitor provide a driver's license, and when the monitor refused, Mother started yelling and became increasingly upset. DCFS ended the visit, but Mother and Father refused to return the children. DCFS called the police, cancelled all other visits that were taking place, and evacuated the floor. Eight or

nine police officers responded to the scene. Mother yelled at the officers, made irrational statements, and displayed paranoia. P.S. and L.S. were crying in their parents' arms and appeared fearful each time Mother raised her voice. At one point, Mother tried to take the children to her car. Father encouraged Mother's behavior by telling her what happened to her "wasn't right." After about two hours had passed, Mother and Father finally released the children to DCFS.

During a March 2, 2018 visit, Mother became irate and threw orange peels at the DCFS monitor. DCFS ended the visit, but Mother and Father again refused to return the children. DCFS called the police for assistance. Mother said she did not believe one of the officers was law enforcement, and she accused another officer of having a sexual relationship with a DCFS employee. While Mother was speaking with the officers, L.S. walked out of the visitation room. Mother tried to follow him, but an officer blocked her path. Mother became upset, swung her arms, and struck one of the officers. She was handcuffed and escorted off the premises.

During a visit on March 22, 2018, Mother demanded to see the monitor's business card and began yelling loudly. A DCFS social worker ended the visit, but Mother and Father again refused to return the children. As Mother continued to yell, Father told a DCFS social worker she should be ashamed of herself. DCFS employees eventually were able to take P.S. and L.S., who were visibly upset and crying uncontrollably. After the visit, P.S. said she is sometimes scared when Mother is mad, yells, and throws things.

During a visit on August 6, 2018, Mother shouted obscenities at the monitor and a social worker. The social worker informed Mother the visit was ending and the children would be taken home. Mother responded by barricading the door to the visitation room. While this was happening, Father continued to play with L.S. and made no effort to defuse the situation. A security guard eventually was able to pry open the door. Father yelled at a social worker who picked up P.S. to take her from the room. He then grabbed L.S. and started carrying him towards the building exit, but eventually placed him on the ground at a social worker's direction.

After the visit ended, Mother and Father followed a DCFS employee as she walked P.S. and L.S. to the parking structure. They relented when a security guard intervened. Mother and Father subsequently followed another DCFS employee, who had no connection to their matter, to her relative's home. Mother took a picture of the employee and called her a "bitch." Father was present but did nothing. The DCFS employee feared for her and her children's safety and called the police.

As a result of these incidents, DCFS filed an application asking the court to terminate future visits. The court ordered Mother cease visits, but allowed Father to have monitored visits so long as Mother was not present. Father, however, continued to appear at future visits accompanied by Mother.

Following the August 6, 2018 incident, P.S. had an emotional outburst prior to her scheduled visits with Father. Before one visit, she collapsed to the ground, sobbed loudly, and yelled, "Please don't make me go! I wanna stay home"

Jurisdiction/Disposition Hearing

The court held a combined jurisdiction/adjudication hearing on August 29, 2018. Mother repeatedly interrupted the proceedings, and the court ordered her removed from the courtroom for the remainder of the hearing. Father was also removed from the courtroom, but he soon returned. The children's counsel, joined by DCFS, asked the court to sustain the petition and remove the children from Mother's and Father's custody. Father asked the court to dismiss the petition, arguing the children were well cared for, Mother was protective of them, Mother's outburst were directed exclusively at other adults, and Father was present to ensure the children's safety.

The court sustained the petition as alleged and removed the children from Mother's and Father's custody. In support of its removal orders, the court noted that neither parent had enrolled in programs and it had to terminate visitations because Mother's inappropriate behavior and Father's unwillingness and inability to curb her outbursts and paranoia posed a risk of harm to the children. The court further ordered that Father undergo an Evidence Code section 730 evaluation and participate in services to address case issues.

Father timely appealed.

DISCUSSION

I. Father's Appeal is Justiciable

DCFS argues in passing that Father's appeal is not justiciable because Mother did not appeal the findings pertaining to her conduct. We are not persuaded.

An appeal is not justiciable if the reviewing court cannot grant effective relief, such as when a parent challenges only one of several bases for jurisdiction. (*In re I.A.* (2011) 201

Cal.App.4th 1484, 1490.) Here, Father challenges all the juvenile court’s jurisdictional findings, including those premised on Mother’s conduct.² As a result, our decision on Father’s appeal could result in effective relief: reversal of the juvenile court’s order asserting dependency jurisdiction over the children.

Even if the appeal were not justiciable, “we generally will exercise our discretion and reach the merits of a challenge to any jurisdictional finding when the finding (1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citations]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762–763; see *In re A.R.* (2014) 228 Cal.App.4th 1146, 1150.) Here, the jurisdictional findings serve as the basis for dispositional orders that Father also challenges on appeal. Accordingly, we would exercise our discretion to consider the merits of Father’s arguments, even if his challenge to the jurisdictional findings were not justiciable.

II. The Jurisdictional Findings Are Supported By Substantial Evidence

Father contends the juvenile court’s jurisdictional findings are not supported by substantial evidence. We disagree.

When a parent challenges a juvenile court’s jurisdictional findings on appeal, the reviewing court applies the substantial evidence test standard of review. (*In re Kristin H.* (1996) 46 Cal.App.4th 1635, 1654.) Under this standard of review, the appellate court must examine the record in a light most favorable

² DCFS does not contest Father’s standing to challenge the jurisdictional findings premised on Mother’s conduct.

to the juvenile court's findings, accepting its assessments of the credibility of the witnesses. (*In re Luke M.* (2003) 107 Cal.App.4th 1412, 1427.) The juvenile court's findings must be upheld when there is any substantial evidence that supports the findings, resolving all conflicts in support of the findings and indulging all reasonable inferences in favor of the findings. (*In re John V.* (1992) 5 Cal.App.4th 1201, 1212.) Stated in other words, an appellate court will look only at the evidence supporting a finding, and disregard the evidence supporting a contrary finding. (*In re I.W.* (2009) 180 Cal.App.4th 1517, 1526.)

Under section 300, subdivision (b)(1), the juvenile court may exercise jurisdiction over a child when the child "has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness" as a result of the failure of his or her parent to "adequately supervise or protect the child" or by the failure of the parent to "provide regular care for the child due to the parent's . . . mental illness, developmental disability, or substance abuse."

There is substantial evidence supporting the jurisdictional findings related to Father's conduct. The record contains evidence of multiple instances in which P.S. and L.S. were directly exposed to hostile, and sometimes violent, confrontations between their parents, law enforcement, and DCFS personnel. The risk to the children's safety from exposure to these confrontations was significant. On two occasions, the conflicts culminated in violence. After the disturbance inside the grocery store, both Mother and Father were forcefully removed from their vehicle as they attempted to flee from a police officer. Another time, Mother struck a police officer, which led to her being handcuffed.

Although the other encounters did not result in the use of force, the risk of violence was significant. Law enforcement and DCFS reasonably perceived Mother's irrational and confrontational behavior as a threat, which resulted in tense confrontations involving as many as 15 law enforcement officers. On one occasion, DCFS cancelled other families' visits and evacuated an entire floor. Given the children's young age and direct proximity to these confrontations, there was a very real risk they would be unintentionally harmed. (See *In re Heather A.* (1996) 52 Cal.App.4th 183, 194 abrogated on other grounds by *In re R.T.* (2017) 3 Cal.5th 622 [exposure to violent confrontations places children in a position of physical danger because they may "be accidentally hit by a thrown object, by a fist, arm, foot or leg"].)

Father was present during each of these encounters, yet he did not immediately remove the children from the area. Nor did he attempt to calm Mother, who was the primary instigator of the conflicts. Instead, Father either sat by idly or exacerbated the conflicts by refusing to return the children to DCFS, encouraging Mother's outbursts, and yelling at DCFS employees. Father's failure to remove the children from these situations, or otherwise deescalate the conflicts, demonstrates a failure to adequately protect. (See *In re Heather A.*, *supra*, 52 Cal.App.4th at p. 194 [violence in a household where children are present constitutes a failure to protect]; *In re E.B.* (2010) 184 Cal.App.4th 568, 576 [same].)

There is also substantial evidence that the risk to the children's safety is ongoing. It is undisputed that Mother's outbursts, which were the primary cause of the conflicts, were the result of untreated mental illness. Mother's daughter indicated

her mental health issues were worsening, and there is nothing in the record to suggest Mother was receiving treatment or the issues were abating on their own. As a result, the juvenile court could have reasonably concluded it is likely Mother will continue to have similar outbursts, leading to further violence in the children's presence.

Despite this risk, the evidence indicates that Father fails to comprehend the danger to his children posed by Mother's outbursts and the ensuing confrontations they create. Paternal grandmother stated she tried speaking to Father about Mother's mental health issues, but Father did not want to listen. Father also continued to appear at visitations accompanied by Mother, even after the juvenile court found her presence presented a risk of harm to the children. From this evidence, the juvenile court could reasonably conclude there is a significant risk that Father will fail to protect the children from future violent confrontations instigated by their parents.

We find no merit to Father's suggestion that there is no risk of serious physical harm because the children have not suffered physical injuries in the past. In support of his argument, Father relies on section 300, subdivision (a), which provides that "a court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent . . . that indicate the child is at risk of serious physical harm." Such reliance is misplaced given the juvenile court assumed jurisdiction under section 300, subdivision (b), which does not include similar language describing what circumstances may support a finding of a

substantial risk of serious future injury. Indeed, courts frequently find jurisdiction to be proper under section 300, subdivision (b), despite the lack of evidence showing prior physical injuries. (See, e.g., *In re T.V.* (2013) 217 Cal.App.4th 126, 133–135; *In re Yolanda L.* (2017) 7 Cal.App.5th 987, 994; *In re Kadence P.* (2015) 241 Cal.App.4th 1376, 1384.)

We also find no merit to Father’s contention that there is no risk of harm because the children were never the target of Mother’s confrontational behavior. The primary risk to P.S. and L.S. is not that Mother will intentionally harm them; rather, it is that they will be unintentionally harmed during a violent altercation involving Mother, Father, and third parties. It is irrelevant, therefore, that Mother’s ire was never specifically directed at the children.

Father’s reliance on *In re Joaquin C.* (2017) 15 Cal.App.5th 537, *In re Matthew S.* (1996) 41 Cal.App.4th 1311, *In re Isabella F.* (2014) 226 Cal.App.4th 128, *In re Daisy H.* (2011) 192 Cal.App.4th 713, and *In re David M.* (2005) 134 Cal.App.4th 822, is misplaced. In those cases, the courts held evidence that the parents suffered from mental illnesses was insufficient to support jurisdiction where there was no evidence the mental illnesses resulted in neglectful conduct or posed a risk of harm to the children. (*In re Joaquin C.*, *supra*, at pp. 563–564; *In re Matthew S.*, *supra*, at p. 1319; *In re Daisy H.*, *supra*, at p. 718; *In re Isabella F.*, *supra*, at pp. 140–141; *In re David M.*, *supra*, at pp. 830–831.) As the *Joaquin C.* court succinctly put it, “[t]he existence of a mental illness is not itself a justification for exercising dependency jurisdiction over a child.” (*In re Joaquin C.*, *supra*, at p. 563.)

Here, evidence of Mother's mental illness is not the sole basis for jurisdiction. Instead, there is substantial evidence showing a significant risk the children will suffer serious physical harm as a result of being exposed to potentially violent altercations involving their parents. Moreover, Father's inability or unwillingness to remove the children from such situations, or otherwise deescalate the conflicts, demonstrates a failure to adequately protect, which is one of the enumerated bases for jurisdiction under section 300, subdivision (b).

Father's reliance on *In re A.G.* (2013) 220 Cal.App.4th 675, and *In re A.L.* (2017) 18 Cal.App.5th 1044, is also misplaced. In those cases, the courts found jurisdiction lacking where one parent suffered from a serious mental illness, but the other parent was able to provide adequate care and protection such that there was no risk of harm to the children. (*In re A.G.*, *supra*, at pp. 684–686; *In re A.L.*, *supra*, at p. 1051.) Here, in contrast, the evidence shows Father did not adequately protect P.S. and L.S. during Mother's frequent hostile confrontations, which resulted in a serious risk of harm to the children.

Father additionally contends there is insufficient evidence to support the juvenile court's findings that Mother failed to supervise the children and provide them regular care as a result of her mental illness. We need not consider that issue, however, given there is substantial evidence supporting the court's jurisdictional findings related to Father's conduct. It is well established that when there are multiple grounds for the assertion that a child comes within the jurisdiction of the dependency court, the reviewing court may affirm the finding of jurisdiction if any one of the statutory bases for jurisdiction is supported by substantial evidence. In such cases, the reviewing

court need not consider other challenged jurisdictional findings. (*In re I.J.* (2013) 56 Cal.4th 766, 773–774; *In re J.C.* (2014) 233 Cal.App.4th 1, 3–4; *In re Francisco D.* (2014) 230 Cal.App.4th 73, 80; *In re Alexis E.* (2009) 171 Cal.App.4th 438, 451.)

III. Father Has Not Shown the Juvenile Court Applied an Erroneous Evidentiary Standard

Father contends the juvenile court erroneously made its findings supporting the removal orders by a preponderance of the evidence, rather than by clear and convincing evidence. Assuming the issue is not forfeited, Father’s argument lacks merit.

At the disposition hearing, the court stated its findings were made pursuant to section 361, subdivision (c), which permits a court to remove a child from the physical custody of his or her parents only after making certain findings by “clear and convincing evidence.” That the court applied this standard is confirmed by its minute orders, which explicitly state the court’s dispositional orders were based on clear and convincing evidence. Father points to nothing in the record to suggest the court applied some other standard. (See *In re D.W.* (2011) 193 Cal.App.4th 413, 417 [“the appellant . . . has the duty to present error affirmatively by an adequate record; error is never presumed”].)

IV. The Removal Orders Are Supported By Substantial Evidence

Father asserts the juvenile court’s removal orders are not supported by sufficient evidence showing a substantial danger to the children if returned to their parent’s custody. We disagree.

“A removal order is proper if based on proof of parental inability to provide proper care for the child and proof of a

potential detriment to the child if he or she remains with the parent. [Citation.] ‘The parent need not be dangerous and the minor need not have been actually harmed before removal is appropriate. The focus of the statute is on averting harm to the child.’ [Citation.] The court may consider a parent’s past conduct as well as present circumstances. [Citation.]” (*In re N.M.* (2011) 197 Cal.App.4th 159, 169–170.)

We review a removal order for substantial evidence notwithstanding the clear and convincing standard used by the juvenile court. (*In re Kristin H.*, *supra*, 46 Cal.App.4th at p. 1654.) “Thus, on appeal from a judgment required to be based upon clear and convincing evidence, ‘the clear and convincing test disappears . . . [and] the usual rule of conflicting evidence is applied, giving full effect to the respondent’s evidence, however slight, and disregarding the appellant’s evidence, however strong.’ [Citation.]” (*Sheila S. v. Superior Court* (2000) 84 Cal.App.4th 872, 881.)

Substantial evidence supports the juvenile court’s determination that it was necessary to remove the children from Mother’s and Father’s custody to protect them from a substantial danger to their physical health, safety, or protection. As discussed in detail above, the evidence shows that Mother’s untreated mental health issues are likely to expose P.S. and L.S. to future violent confrontations, yet Father fails to appreciate the risk such confrontations pose to the children. Father also appears unwilling to limit Mother’s access to the children, as evidenced by the fact that he continued to accompany her to visitations, even after the court found she posed a risk of harm to the children. Moreover, there is no evidence that Mother or Father has participated in services, or taken any other steps, to

address these issues. Thus, the danger to the children is ongoing until Mother and Father fulfil the court's reunification orders.

In re Jamie M. (1982) 134 Cal.App.3d 530, upon which Father relies, is distinguishable. In that case, the court overturned an order removing a child from a parent suffering from schizophrenia where there was no evidence specifically showing how the child would be at risk of harm in the parent's home. The court explained that "[o]n this evidence any finding of detriment to the children must be based on the assumption that a schizophrenic parent is ipso facto an unfit parent. Such an assumption is not warranted by the law or the facts." (*Id.* at p. 542.) Here, in contrast, there is ample evidence showing the specific risk of harm the children would face if returned to Father's custody; there is no need to assume that Mother and Father are unfit parents simply because they may suffer from mental illness.

We find no merit to Father's suggestion that the court improperly used custody of the children as a bargaining chip to force him to participate in services. As Father acknowledges, the fact that he had not enrolled in services—which the court cited as support for its removal order—was relevant to whether there is a risk the children will be harmed if returned to his custody. (See *In re Alexander C.* (2017) 18 Cal.App.5th 438, 452.) There is nothing in the record to even suggest the court was motivated by an improper purpose in removing the children from Father's custody.

Similarly lacking in support is Father's contention that the juvenile court failed to "carefully consider" whether removal was in the children's best interests "from the children's point of view." Father offers no citations to the record or meaningful analysis to

support his argument. He also overlooks that the children's own attorney advocated for their removal.

Finally, we are not persuaded by Father's suggestion that removal was unnecessary given the court allowed him to continue monitored visits with the children, even after it terminated Mother's visits. Father ignores the evidence that he repeatedly defied the court's order by appearing at visits accompanied by Mother. As a result, the juvenile court could have reasonably concluded that, even if Father did not personally pose a threat to P.S. and L.S., removal was necessary because he is likely to allow Mother to have ongoing access to them.³

V. The Juvenile Court Did Not Abuse its Discretion in Ordering Father Participate in Services and Undergo an Evidence Code section 730 Evaluation

Father contends the juvenile court abused its discretion in ordering he participate in services. His arguments are premised on a lack of substantial evidence underlying the court's jurisdictional findings. Accordingly, we reject them for the same reasons we rejected Father's arguments related to jurisdiction.

Father next challenges the juvenile court's order requiring that he undergo an Evidence Code section 730 psychological evaluation (section 730 evaluation). He asserts the order was improper because it was not designed to eliminate any condition that led to the court's jurisdiction and there is no evidence showing he suffers from a mental illness. We find no abuse of discretion.

³ Because we have already found the juvenile court properly exercised jurisdiction over the children based on Father's conduct, we need not consider Father's arguments that presuppose he is a non-offending parent.

“The juvenile court has broad discretion to determine what would best serve and protect the child’s interest and to fashion a dispositional order in accordance with this discretion.” (*In re Jose M.* (1988) 206 Cal.App.3d 1098, 1103–1104; see § 362, subds. (a) & (d).) To that end, the court may use a section 730 evaluation as an information-gathering tool to ascertain which services will eliminate the conditions leading to dependency. (*Laurie S. v. Superior Court* (1994) 26 Cal.App.4th 195, 202.) “Where, as in this case, the jurisdictional finding is not based on a parent’s mental disability, the juvenile court may rightly look to the circumstances underlying the dependency and the evidence of the parent’s conduct in deciding whether to order one or more mental health evaluations.” (*In re Rebecca H.* (1991) 227 Cal.App.3d 825, 840.)

We review the juvenile court’s order for an abuse of discretion. (See *In re Jennifer J.* (1992) 8 Cal.App.4th 1080, 1084 [court decision whether to appoint expert witness under section 730 is a matter of discretion].) “To show abuse of discretion, the appellant must demonstrate the juvenile court exercised its discretion in an arbitrary, capricious or patently absurd manner that resulted in a miscarriage of justice.” (*In re Joey G.* (2012) 206 Cal.App.4th 343, 346.)

Here, the juvenile court could have reasonably concluded a section 730 evaluation was appropriate to determine if Father is suffering from a mental illness and what services will eliminate the conditions leading to the dependency. Although there is no evidence that Father has been diagnosed with a mental illness, the record is replete with examples of him engaging in bizarre and seemingly irrational behavior. The police report of the grocery store incident, for example, indicates that both Mother

and Father refused to leave the store, yelled at employees, and threw items. Father then failed to provide identification or cooperate with the responding police officer, and had to be forcefully removed from his vehicle. In addition, there is evidence that Father refused to return the children to DCFS at the conclusion of several visits, encouraged Mother's paranoia, and accompanied Mother in following a DCFS employee to her relative's home.

This evidence suggests that, like Mother, Father may suffer from delusional, paranoid, and irrational thinking. If so, it may explain why he did not immediately remove the children from the dangerous situations created by Mother's confrontational behavior, why he did not attempt to deescalate the conflicts she created, and why he continued to appear at visitations accompanied by Mother, despite the court's finding that her presence is harmful to the children. In other words, it is reasonable to suspect that mental illness may be an underlying cause of, or a contributing factor to, Father's failure to adequately protect his children, which was one of the conditions leading to dependency. The trial court did not act outside the bounds of reason in ordering a section 730 evaluation as an information gathering tool to determine what additional services might help Father reunify with P.S. and L.S.

DISPOSITION

The jurisdictional findings and dispositional orders are affirmed.

BIGELOW, P.J.

We concur:

GRIMES, J.

STRATTON, J.